

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Shawn Held,)	
Plaintiff)	Civil Action No. 1:23-cv-319
)	
v.)	
)	Order Scheduling Mediation/Settlement
Brenton Davis, et al.,)	Conference
Defendants)	

After consultation with the Parties, this matter is hereby scheduled for a mediation/settlement conference on **Thursday, October 24, 2024, beginning at 9:00 AM.** The conference will be conducted in person at the United States Courthouse in in Erie, Pennsylvania. The Parties, Counsel, and any individual possessing settlement authority must be available for the entire day. Set forth below are the procedures the Court requires the Parties to follow and the Court will employ in conducting the mediation.

1. Location for Conference

For those who will be participating in person, the mediation/settlement conference will take place in the Courtroom and Chambers of Chief Magistrate Judge Richard Lanzillo, Room A-280, United States Courthouse, 17 South Park Row, Erie, Pa. 16501. The main telephone number for Chambers is (814) 464-9610. The staff attorney assigned to this case is John “Sean” Heasley. He can be reached at (814) 874-5908 (direct dial) or via email at john_heasley@pawd.uscourts.gov. Individuals who are participating in person should arrive and report to Courtroom B by 8:45 AM. Metered parking is available in front of the building and throughout the downtown area. A paid parking ramp is located behind the Courthouse (on West 8th and French Streets).

2. Individuals Participating via Video Conference

Each Party will be responsible for video conferencing any other participants in the mediation. Access to the Court's Wi-Fi system will be provided upon arrival at the Courthouse. Counsel wishing to include video participants should arrive with enough time to test and secure the wi-fi connection for video participants.

3. Parties' Confidential Position Letters Regarding Settlement

Pre-mediation statements are not required but are welcome in any event. However, **on or before Monday, October 21, 2024, Counsel shall separately submit (via email to [john heasley@pawd.uscourts.gov](mailto:john_heasley@pawd.uscourts.gov)) brief confidential letters to the Court detailing the relative strengths and weaknesses of their case, as well as settlement positions, including monetary amounts.** The letters should also state the names and titles/positions of all individuals who will be attending the mediation. **Confidential letters will not be shared with opposing counsel.** Accordingly, candor is expected.

4. Attendance of Parties Required

Parties having full and complete settlement authority are required to personally participate in the video conference unless Judge Lanzillo and the parties have otherwise agreed during the pre-mediation telephone conference, in which case the representative shall remain available for the duration of the conference.

5. Mediation Format

The Court will use a facilitative mediation format. The mediation/settlement conference may begin with a joint session during which each party may, but need not, make a brief opening statement or presentation. The parties are encouraged to avoid aggressive advocacy during opening statements as this can be counterproductive to the mediation process.

The joint session shall be followed by private caucusing by the Court with each party. In caucus, you should discuss information which may assist in working toward a resolution, but which you would prefer not to disclose in direct negotiations. The caucuses are also utilized to provide an opportunity to assess realistic options for resolution, without endangering any party's negotiation posture. Caucusing will continue until an option has been developed which all sides deem acceptable.

The Court expects both the lawyers and the party representatives to be fully prepared to participate. The Court encourages all parties to keep an open mind in order to reassess their previous positions and to consider creative means for resolving the dispute.

6. Confidentiality

All statements made in the course of joint sessions, including opening presentations, are confidential settlement discussions. Statements may not be used in discovery and are inadmissible at trial. Any statements made or information disclosed to the Court in private caucus is privileged and disclosure cannot be compelled under any circumstances.

IT IS SO ORDERED this 26th day of September, 2024.

A handwritten signature in black ink, appearing to read "Richard A. Lanzillo", with a large, stylized flourish above the name.

RICHARD A. LANZILLO
Chief United States Magistrate Judge